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Remarks/Arguments

Claims 6-10 have been withdrawn from consideration by the Examiner. Applicant retains the right to file a divisional application in respect thereof.

Undersigned confirms the election noted at page 3 of the Office Action without traverse.

The Examiner contends that the declaration filed with the subject application is defective and requires the filing of a new declaration correcting the alleged defect. The rejection is respectfully traversed.

In the contention, the Examiner advises as follows.

...The declaration qualifies compliance by only reciting section 37 CFR 1.56(a) in the declaration. However, 37 CFR 1.63 doesn't qualify compliance to only 37 CFR 1.56(a), but requires recitation of compliance with 37 CFR 1.56. (emphasis added)

In the declaration filed with this application, applicant states as follows.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

37 CFR 1.56 has parts (a), (b), (c) and (d).

Part (a) of 37 CFR 1.56 contains the language of the declaration on file.

Part (b) of 37 CFR 1.56 does not state any requirement beyond part (a), simply identifying information which is material to patentability.

Part (c) and (d) of 37 CFR 1.56 do not state any requirement beyond part (a), simply defining individuals encompassed by part (a).

Reference to part (a) in the declaration is accordingly not a qualification of 37 CFR 1.56, as the Examiner suggests. Part (a) is the only requiremental part of 37 CFR 1.56.

More significantly, reference to part (a) of 37 CFR 1.56 is manifestly a reference to the section and, indeed, is a more definitive reference to the entire requirements of the section, which are stated only in part (a).

Reconsideration is requested.

The objection to claim 1 is addressed in the above rendition of new independent claim 11.

All of the cited prior art patents have been carefully considered, particularly those relied on in the several rejections of original claim 1 as being anticipated under Section 102. These

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